BORA LASKIN LAW LIBRARY
3 1761 04865 4909

Reading Materials for

HARD CHOICES IN INTERNATIONAL POLITICS

VOLUME 2

(Case Studies – (1) Iraq; (2) Bosnia)

George Stephanopoulos

&

Craig Scott

February 1999

These materials are sold at cost to students at the University of Toronto. The materials are not for commercial sale.

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/readingsmaterial02step

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

Reading Materials for

HARD CHOICES IN INTERNATIONAL POLITICS

VOLUME 2

(Case Studies – (1) Iraq; (2) Bosnia)

George Stephanopoulos

&

Craig Scott

February 1999

These materials are sold at cost to students at the University of Toronto. The materials are not for commercial sale.

TABLE OF CONTENTS

Introductory Note: These materials are designed to be used for courses of different lengths. **For students doing an intensive course, the readings are marked below with asterisks (*).** There are three volumes. The table of contents in each volume will indicate the contents of all three volumes.

Newspaper acronyms: GM = Globe and Mail (Toronto); NYT = New York Times; GW = Guardian Weekly; NP = National Post; TS = Toronto Star

VOLUME 1 (Background Readings)

Normativity in International (Security) Relations

Arend, "Do Legal Rules Matter?" (1998) 38 Virg. JIL 107 1

Ruggie, "The False Promise of Realism" in Brown *et al.*, eds. *Theories of War and Peace*: *An* International Security *Reader* (MIT Press, 1998) 407 25

Wendt, "Constructing International Politics" in *Theories of War and Peace, supra.* at 416 30

Mearsheimer, "A Realist Reply" in *Theories of War and Peace, supra.* at 427 35

* Krause, "Constructing International Order: Multilateralism, the United Nations System, and International Security" [preliminary draft manuscript; summer 1998] 40

Koskenniemi, "The Police in the Temple – Order, Justice and the UN: A Dialectical View" (1995) 6 EJIL 325 67

Hampson and Oliver, "Pulpit diplomacy: A critical assessment of the Axworthy doctrine" (1998) 53 International Journal 379 80

Coll, "Prudence and Foreign Policy" in Cromartie, ed., *Might and Right After the Cold War: Can Foreign Policy Be Moral?* (Ethics and Public Policy Center, 1993) 3 95

* Lefever, "Morality versus Moralism in Foreign Policy" in Lefever et al., eds., *Ethics and World Politics: Four Perspectives* (Johns Hopkins, 1972) 1 109

Schlesinger, "National Interests and Moral Absolutes" in *Ethics and World Politics, supra.* at 21 119

* McMahan, "Realism, Morality, and War" in Nardin, ed., *The Ethics of War and Peace: Religious and Secular Perspectives* (Princeton, 1996) 78 131

Humanitarian Intervention

* Haass, "The Historical Debate" *in Intervention: The Use of American Military Force in the Post-Cold War World* (Carnegie Endowment, 1994) 9 138

* Murphy, "Law, Morality, and Political Theory" in *Humanitarian Intervention: The United Nations in an Evolving World Order* (U. Penn, 1996) 20 141

* Brownlie, "Thoughts on Kind-Hearted Gunmen" in Lillich, ed., *Humanitarian Intervention and the United Nations* (Univ. Press of Virginia, 1973) 139 147

Akehurst, "Humanitarian Intervention" in Bull, ed., *Intervention in World Politics* (OUP 1984) 95 149

Carty, "Intervention and the Limits of International Law" in Forbes and Hoffman, eds., *Political Theory, International Relations, and the Ethics of Intervention* (St. Martin's Press, 1993) 32 155

* Walzer, "The Moral Standing of States: A Response to Four Critics" in Beitz *et al*, eds, *International Ethics* (Princeton, 1985) 217 160

Cox News, "Somalia fast becoming a quagmire for US forces", GM, Feb. 93 164

* Luban, "The Romance of the Nation-State" in Beitz *et al*, eds, *International Ethics* (Princeton, 1985) 392 165

* Teson, "A Moral Framework for Humanitarian Intervention" in *Humanitarian Intervention: An Inquiry Into Law and Morality* (Transnational Publ., 1988) 111 168

* Farer, "An Inquiry into the Legitimacy of Humanitarian Intervention" in Damrosch and Scheffer, eds., *Law and Force in the New International Order* (Westview, 1991) 185 175

Falk, "The Complexities of Humanitarian Intervention: A New World Order Challenge" (1996) Michigan JIL 491 183

Vertzberger, *Risk Taking and Decisionmaking: Foreign Military Intervention Decisions* (Stanford, 1998) 61 ff. 195

* Powell, "U.S. Forces: Challenges Ahead" in Haass, *Intervention, supra.* at 191 221

Albert, "Impossible limits of justice? Humanitarian intervention and infinite responsibility" in Wright, ed., *Morality and International Relations* (Avebury, 1996) 131 225

VOLUME 2 (Case Studies – (1) Iraq; (2) Bosnia)

(1) IRAQ

Map of Iraq 1

Documents

UN Charter, arts. 1-54, 103-104, 106-107 2

* SC Res. 678 (1990) 11

* SC Res. 687 (1991) 12

* SC Res, 688 (1991) 17

UN-Iraq MOU (Feb. 23, 1998) 18

* SC Res. 1154 (1998) 19

1977 Geneva Protocol I, arts. 37, 50-59 21

1907 Hague Convention IV, Appendix, arts. 22 and 23 25

Convention in Internationally-Protected Persons, arts 1 and 2 26

Overview of Post-Ceasefire Issues

* Gray, "After the Ceasefire: Iraq, the Security Council, and the Use of Force" (1994) 65 British YrBk. IL 135 27

Protecting the Kurds

Stromseth, "Iraq's Repression of Its Civilian Population: Collective Responses and Continuing Challenges" in Damrosch, ed., *Enforcing Restraint: Collective Intervention in Internal Conflicts* (Council on Foreign Relations, 1993) 77 42

* Fraser, "US launches second attack on Iraq", GM, Sept 4/96, A1 54

Fagan, "US isolation weakens its hand", GM, Sept. 4/96, A1 55

* Sallot, "`Sometimes we have to act alone,' US says", GM, Sept. 4/96, A9 56

Sanctions to Enforce Inspections

Bailey, "Biological Weapons Inspections" *in The U.N. Inspections in Iraq: Lessons for On-Site Verification* (Westview Press, 1995) 37-53, 107-109 57

Hoskins, "The Humanitarian Impacts of Economic Sanctions and War in Iraq" in Weiss *et al.*, eds, *Political Gain, Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Rowman & Littlefield, 1997) 91 64

* Simons, "The Sanctions System" *in The Scourging of Iraq: Sanctions, Law and Natural Justice* (St. Martin's Press, 1998) 2nd ed. 78

* Center for Economic and Social Rights, "Executive Summary" in *(UN)Sanctioned Suffering: A Human Rights Assessment of United Nations Sanctions on Iraq* 1-3 (May 1996) 84

* Sklaire, "The Security Council Blockade of Iraq: Conflicting Obligations Under the United Nations Charter and the Fourth Geneva Convention" (1991) 6 Am. UJIL & Policy 608 86

* Gardham, "Proportionality and Force in International Law" (1993) 87 AJIL 391 at 404 89

* Kochler, *The United Nations Sanctions Policy and International Law* (Just World Trust, 1995) 92

* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., *Enforcing Restraint*, supra. at 274 95

Assassination as Course of Action?

* Gee, "Target: Saddam Hussein" GM, Feb 18/98, ... 105

* Security Council Debate, "Assassination of PLO Executive Committee Member in Tunis" and SC Res. 611 (1988) 106

Security Council Action, "Armed incident" [assassination of Deputy PM of Bosnia] 107

* Reisman and Baker, *Regulating Covert Action: Practices, Contexts and Policies of Covert Coercion Abroad in International and National Law* (Yale U Press, 1992) 57-61, 69-71, 140-143 108

The 1993 US Bombing After the Attempted Assassination of Bush: Reprisals and Self-Defence

* Security Council Consideration, "Iraq-United States" [US attack in response to alleged attempted assassination of former President Bush] 113

* Kritsiotis, "The Legality of the 1993 US Missile Strike on Iraq and the Right of Self-Defence in International Law" (1996) 45 ICLQ 162 114

* "Reprisals" in Fleck et al., *The Handbook of Humanitarian Law in Armed Conflicts* (OUP, 1995) 204-207 122

Kalshoven, *Belligerent Reprisals* (Sijthoff, 1971) 375-378 124

Greenwood, "The Twilight of the Law of Belligerent Reprisals"

(1989) 20 Netherlands Yrbk, IL 35 126

Kalshoven, "Belligerent Reprisals Revisited" (1990) 21 Neth Yrbk IL 43 131

* Quigley, "Missiles with a Message: The Legality of the United States Raid on Iraq's Intelligence Headquarters" (1994) 17 Hastings Int'l and Comp L R 241 at 267 134

* Surchin, "Terror and the Law: The Unilateral Use of Force and the June 1993 Bombing of Baghdad" (1995) 5 Duke Jl Comp & Int Law 457 at 486 137

* O'Brien, "Reprisals, Deterrence, and Self-Defense in Counterterror Operations" (1990) 30 Virg JIL 459 143

The Debates Over the Ongoing Enforceability of SC Resolutions 678 and 687

* Wedgwood, "The Enforcement of Security Council Resolution 687: The Threat of Force Against Iraq's Weapons of Mass Destruction" (1998) 92 AJIL 724 149

* Security Council Debates, "Iraq and Israel" [Israeli bombing of Iraqi nuclear reactor in 1981], SC Res. 487 (1981), and GA Res.36/27 152

Rogers, *Law on the battlefield* (Manchester U Press, 1996) 2-7 161

"Methods and Means of Combat" in Fleck et al., *The Handbook of Humanitarian Law in Armed Conflicts* (OUP, 1995) 164 ff 164

* McCoubrey and White, "The Law of Bombardment" *in International Law and Armed Conflict* (Dartmouth, 1992) 230-234 169

November 1997 to January 1999

* Time Line, "From Crisis to Crisis" NYT, Dec 17/98, A15 172

Chronology, "A Year-long Crisis", GM, Dec 17/98, A18 173

* Woollacott, "Bleating of UN lamb excites Iraqi tiger" GW, Nov 16/97, p 10 174
"Iraqi defiance swings support to US position" GM, Jan. 30/98, A13 175
Fairhall and Black, "War games with targets but no aims" GW, Feb 8/98, p 13 176
Editorial, "Let's be serious about Saddam" GW, Feb 8/98, p 12 178
*MacKenzie, "Bomb Baghdad? Canada should opt out" GM, Feb 10/98, A2 179
Koring, "Let Iraq save face, Annan warns" GM, Feb 11/98, A1 180
"Knowledge of alleged weapons stash not airtight", GM, Feb. 12/98 181
Immen, "Biological war could ignite new pandemic" GM, Feb 12/98, A15 183
Roberts, "PM in war of words over Iraq policy" GM, Feb 14/98 A4 184
*"Annan searching for UN consensus to defuse Iraqi crisis", GM, Feb 16/98, A12 185
Editorial, "Getting to yes with Iraq" GM, Feb 17/98, A18 186

Knox, "UN's Annan best man for Baghdad mission" GM, Feb 18/98, A11 187
*Joffe, "Attack? Allies Say Yes, No, and Maybe" GW, Feb 22/98, p 17 188
Editorial, "War is not an option", GW, Feb 22/98, p 12 189
*Knox, "Annan confident of deal despite US doubts", GM, Feb 25/98 A14 190
* "UN-Iraq agreement" GM, Feb 25/98, A14 191
* Koring, "Diluted UN Iraq resolution passes unanimously", GM, March 3/98, A8 192
*Editorial, "Diplomacy and threats move Iraq from hard place" GM, Feb 24/98, A18 193
Koring, "Russia, US set to square off over Iraq" GM, April 23, 1998 A15 194
Editorial (Economist), "Waiting for the next Iraqi crisis" GM, April 27/98, A13 195
"Iraq's Hussein suspends weapons inspections" GM, Aug. 6/98 A16 196
Lippman, "White House planning Saddam's fall" GW August 9/98, p 15 197
Gellman and Goshko, "US Backs Away from Force" GW, Aug. 16/98, p 15 198
Myers, "US cites Iraqi role at factory in Sudan" GM, August 25/98 A1 .....
Ritter, "The final straw", GM Sept. 7/98 A11 200
* Koring, "US flexes muscles in Persian Gulf", GM Nov. 11/98 A17 202
*"Iraq backs down, agrees to allow inspections", NP, Nov. 16/98, A1 203
Donnelly, "UN team stands little chance of finding Iraqi weapons" NP, Nov 16/98 A9 204
Gellman, "Mourning Begins for UNSCOM" GW Nov. 22/98 p 13 205

*Clinton, Statement by the President, Dec. 16. 1998 206

Erlanger, "A Decision to Act Fast, Then Search for Support" NYT, Dec 17/98, A14 210
Broad and Miller, "Clinton List Only Hints At Offenses by Iraqis" NYT Dec. 17/98 A17 211
* Editorial, "Drop a bomb to stop a bomb" GM, Dec 17/98, A26 212
"Canada shows support for US attacks", GM Dec 17/98 A19 213
Gellman, "UNSCOM denies tilt to US aims" GW Dec 27/98 p 13 214
* Editorial (Le Monde), "Pursuing a disastrous policy on Iraq" GW Dec 27/98 p 11 215
* Editorial, "At war over bombing" GW Dec 27/98 p 10 216
"Diplomatic repairs to follow Iraq attacks" GW Dec 27/98 p 3 217
* Whitney, "French Premier Assails US Over Iraq Air Strikes" NYT Jan. 7/98 A6 218
* UN `Helped US to Spy on Saddam'" GW Jan 17/99 p 17 219
* Meixler, "Some Iraqis prosper despite sanctions" GM Feb 4/99 A18 220
* Koring, "US bombs fall as Hussein vows to avenge civilians" GM Jan 27/99 A13 221
Raum, "General blasts policy on Iraq" GM Jan 29/99 A16 222
* "Canada working for deal on Iraq" GM Jan 27/99 A13 223

(2) BOSNIA

Map 224

Documents

Genocide Convention 225

* SC Res. 713 (1991) 227

SC Res. 724 (1991).....228

SC Res. 771 (1992) and GA Res 46/242 229

* GA Res. 47/121 232

* SC Res. 836 (1993).....234

* Security Council Debates, "Arms embargo: request for exemption" 236

GA Res. 48/88 237

Security Council Consideration.....240

GA Res. 49/10 241

Security Council Debates, "Arms embargo: request for exemption".....244

* SC Res. 1021 (1995).....246

Chronologies

* Murphy, "Bosnia-Herzegovina (1992)" in Murphy, *Humanitarian Intervention, supra* at 198 247

Hulisman, "Key Diplomatic Events Early in the Bosnian Crisis" and "The Culmination of the Bosnian Crisis" in *A Paradigm for the New World Order: A Schools-of-Thought Analysis of American Foreign Policy in the Post-Cold War Era* (St. Martin's, 1997) 257

Explanatory Frameworks and Accounts

Hulisman, *A Paradigm for the New World Order, supra* at 2-3, 8-12, 15, 18-19, 21, 38, 58, 93-97, 105-109, 113, 120-134.....259

* Gow, *Triumph of the Lack of Will: International Diplomacy and the Yugoslav War* (Columbia, 1997) 36-37, 323-329, 159-166, 175-183, 192-201, 212-222 277

Legal Issues: NATO's Authority to Intervene and the Arms Embargo

* White, "The legitimacy of NATO action in Bosnia" (1994) 144 New Law Jl 649.....301

* Damrosch, "The Civilian Impact of Economic Sanctions" in Damrosch, ed., *Enforcing Restraint*, supra. at 274.....303

Scott *et al*,. "A Memorial for Bosnia: …" (1994) 16 Michigan JIL 1.....307

Continuation

Dahl, "Two sides in Bosnia await ruling" GM Feb. 9/99 A16.....344

Ulbrich, "Details of Kosovo peace pact priority for mediators at talks" GM Feb. 9/99 A16.....345

VOLUME 3 (Case Studies – (3) Rwanda; (4) Haiti)

(3) RWANDA

Map 1

Documents

SC Res. 872 (1993).....2

* SC Res. 918 (1994).....3

* SC Res. 929 (1994).....6

Preludes

* Coulon, [on Somalia] in *Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order* (U of Toronto Press, 1998) 78-87, 180-187 7

* Coulon, [on French aspirations] in *Soldiers of Diplomacy: The United Nations, Peacekeeping and the New World Order* (U of Toronto Press, 1998) 154-164, 169-171, 187-189.....15

Narratives

* Murphy, "Rwanda (1994)" in Murphy, *Humanitarian Intervention, supra* 23

Boutros-Ghali, "Introduction" in United Nations, *The United Nations and Rwanda, 1993-1996* (DPI/UN, 1996) 1.....30

* Barrett, "The UN Security Council, Indifference and Genocide in Rwanda" 12 Cultural Anthropology 551 40

Recrimination and Revelations in the Aftermath

* Straus, "UN ignored my pleas: Dallaire" GM Feb 26/98 53

* "Annan blames ennui for deaths in Rwanda" GM March 18/98 54

* "Clinton's Painful Words of Sorrow and Chagrin" NYT March 26/98 A12.....55

* Weiner, "Critics Say US ignored CIA Warnings of Genocide in Rwanda"
NYT March 26/98 A12 56

* "UN alerted three nations to genocide" GM April 13, 1998 A8 57

* Gourevitch, "The Genocide Fax" The New Yorker (May 11, 1998) p 42.....58

"Rwanda warning ignored: magazine" GM, May 4, 1998 A8 62

* Knox, "Boutros-Ghali admits Rwanda errors" GM Sept. 10/98 A18.....63

Thompson, "General haunted by Rwanda ordeal takes medical leave" TS Nov. 3/98 A1.....64

* Raitberger, "French role defended in probe of Rwanda" GM April 22/98 65

* Ourdan, "France exonerates itself over Rwanda" GW Dec. 27/98 p 11 66

(4) HAITI

Map 67

Documents

* Charter of the OAS 68

SC Res. 841 (1993).....71

GA Res. 48/27 74

SC Res. 917 (1994).....76

* SC Res. 940 (1994).....79

Force for Democracy?

Schachter, "The Legality of Pro-Democratic Invasion" (1984) 78 AJIL 645 81

* Franck, "Intervention Against Illegitimate Regimes" in Damrosch and
Scheffer, eds., *Law and Force*, supra at 159.....83

* Reisman, "Sovereignty and Human Rights in Contemporary International Law" (1990) 84 AJIL 866 86

Scott, "Grenada, Nicaragua and Panama: Tracking Force-for-Democracy Discourse in the 1980s" in CCIL, ed, *Selected Papers in International Law* (Kluwer, 1998) 93

* Carothers, "Empirical Perspectives on the Emerging Norm of Democracy in International Law" (1992) 86 Proceedings ASIL 261 103

Carothers, "ASIL and Carnegie Present Program on Haiti" (June-Aug. 1994) ASIL Newsletter 16 104

Chronologies

Acevedo, "The Haitian and the OAS Response: A Test of Effectiveness in Protecting Democracy" in Damrosch, ed, *Enforcing Restraint, supra* at 119 105

Dupuy, "Chronology" in *Haiti in the New World Order* (Westview Press, 1997) 175 108

* Murphy, "Haiti (1993-94)" in Murphy, *Humanitarian Intervention, supra at 260* 113

Interests at Stake

* Preeg, "Introduction: The Haitian Challenge" in Fauriol, ed., *The Haitian Challenge: U.S. Policy Considerations* (CSIS, 1993) 1

* Dupuy, *Haiti in the New World Order* (Westview Press, 1997) 175 126

* "President on Haiti: US Interests At Stake" NYT Oct. 16/93 p 4 129

International Politics as Domestic Politics

Merida, "Hill's Black Caucus Faults US Policy on Haiti, Presses for Aristide's Return" Wash Post March 24/94 A7 130

Greenhouse, "Aristide Condemns Clinton's Haiti Policy as Racist" NYT April 22/94 p A1 131

* Williams, "Aristide Beats Clinton to Moral High Ground" Wash. Post May 6/94 A11 132

Gordon and Schmitt, "US fears Haitian trap" GM May 31/94 A14 133

Snow, "Many Haitians favour invasion" GM June 6/94 134

* Jehl, "Clinton Seeks UN Approval of Any Plan to Invade Haiti" NYT July 22/94 135

Lyons, "UN Authorizes Invasion of Haiti to be Led by US" 136

Commentary on the Invasion

* Reisman, "Haiti and the Validity of International Action" (1995) 89 AJIL 82 137

* Glennon, "Sovereignty and Community After Haiti: Rethinking the Collective Use of Force" (1995) 89 AJIL 70 138

* Weller, "Democracy through fire and sword?" (Oct. 7, 1994) New Law Jl 1385 141

* Falk, "The Haiti Intervention: A Dangerous World Order Precedent for the United Nations" (1995) 36 Harvard ILJ 341 143

"Haitians Debate the Occupation" (1994) 28 NACLA Report on the Americas 2 153

The Refugee Interdiction Question

* Human Rights Watch et al, "No Port in a Storm" in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 191 154

Ratner/Center for Constitutional Rights, "Guantanamo Bay: When Will the Suffering End?"in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 199 158

Canham-Clyne, "Selling Out Democracy" in Ridgeway, ed., *The Haiti Files: Decoding the Crisis* (Essential Books, 1994) 108 160

Lawyers Committee for Human Rights, *Refugee Refoulement: The Forced Return of Haitians Under the US-Haitian Interdiction* Agreement (March 1990) 164

* *Sale v. Haitian Centers Council*, 113 S.Ct. 2549 (1993) 174

Meron, "Extraterritoriality of Human Rights Treaties" (1995) 89 AJIL 78 186

* Koh, "The `Haiti Paradigm' in United States Human Rights Policy" (1994) 103 Yale Law Jl 2391 at 2409 189